

MAY 22 2020

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

David J. Bradley, Clerk

for the

Southern District of Texas

United States of America

v.

1. Jorge Alberto De Leon (1993/USA)
2. Daniel Herrera-Bear (1982/MX)

Case No. M-20-1030-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 18, 2020 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC § 2119

Carjacking

21 USC § 846

Conspiracy to Possess with Intent to Distribute a Controlled Substance

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complaint authorized by: AUSA Roberto Lopez

Submitted by reliable electronic means, sworn to  
and attested to telephonically per Fed. R. Cr. 4.1,  
and probable cause found on:

Date: May 22, 2020 8:01 a.m.

City and state: McAllen, Texas

/s/ Nicholas C. Stott

Complainant's signature

Nicholas C. Stott, HSI Special Agent

Printed name and title

Peter E Ormsby

Judge's signature

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

ATTACHMENT A

On March 18, 2020, Emily Julieta Gonzalez ("Gonzalez") entered the United States from Mexico in a Chevrolet Trailblazer with Angel Lopez through the Pharr, Texas Port of Entry.

Based on surveillance footage obtained during the course of the investigation, Gonzalez traveled to a business in Hidalgo, Texas less than a half hour after crossing into the United States on March 18, 2020.

According to the surveillance footage, less than ten minutes after the arrival of the Trailblazer, two other vehicles, including a white Volkswagen Beetle, arrive and enter the parking lot. The two vehicles park near the Trailblazer and individuals from the vehicles enter the Trailblazer and leave in the Trailblazer.

When interviewed Gonzalez stated that the individuals that arrived at the business and took the vehicle without her consent.

The vehicle was subsequently recovered approximately one hour later when Mission Police Department officers were dispatched to an area near Los Ebanos Road in Mission, Texas in reference to the stolen Trailblazer. Upon arrival to the scene, police officers located the Trailblazer, which had been abandoned. Mission Police Department Officers also observed a white Chevrolet Malibu departing from the scene, which was captured on a dashboard camera recording.

Police officers also made contact with Eleuterio Gonzalez ("E. Gonzalez"), who is Emily Gonzalez's uncle, at the scene. E. Gonzalez stated he located the vehicle by following it from Hidalgo, Texas using a GPS device that was located within the vehicle. E. Gonzalez stated that when he got close to the vehicle, he sent a signal to a kill switch that was located in the vehicle in order to shut down the vehicle. E. Gonzalez stated that after the kill switch was activated several individuals exited the vehicle and entered other vehicles to flee the scene.

After the Trailblazer was recovered, it was taken to the Hidalgo Police Department impound lot where law enforcement later located approximately 9 kilograms of cocaine concealed within the vehicle. A GPS tracker was also located on the exterior of the vehicle and later taken to the Homeland Security Investigations (HSI) McAllen office as evidence.

Emily Gonzalez was subsequently interviewed and admitted she suspected she was importing a controlled substance and HSI subsequently adopted the investigation.

During the course of the HSI investigation, Agents located the subject Beetle and learned that it was being utilized by Jorge De Leon.

During the course of the investigation, Agents also interviewed a cooperating individual ("CI"), who stated that Jorge De Leon and Daniel Herrera-Bear were involved in the carjacking. The CI stated that De Leon was in the Volkswagen Beetle that was used to conduct the carjacking. The CI stated that Herrera-Bear was involved in the planning of the carjacking and provided the information that the vehicle was going to be loaded with drugs. The CI also stated that De Leon told the CI about his involvement in the events that happened after the Trailblazer was stolen and that Herrera-Bear picked up other co-conspirators when the Trailblazer stalled or would not start on Los Ebanos in Mission, Texas.

During surveillance, Agents observed a white Chevrolet Malibu at Herrera-Bear's residence that matched the description of the vehicle seen on the Mission PD dashcam footage.

On May 21, 2020, Agents executed a search warrant on De Leon's residence in Pharr, Texas and Herrera-Bear's residence in Mission, Texas.

During a post-Miranda interview, De Leon admitted that he was in the Volkswagen Beetle, but claimed he was only supposed to serve as a scout during the carjacking. De Leon stated he expected to be paid and was led to believe that there were controlled substances contained within the vehicle.

During a search of De Leon's phone, Agents also found WhatsApp conversations with other individuals including a contact saved as "Chamoy," who has been identified as Daniel Herrera-Bear based on the cell phone number known to be used by Herrera-Bear. During a review of the WhatsApp conversations, Agents found audio messages with Herrera-Bear on April 19, 2020 discussing the purchase of a cellphone jammer that could be used to prevent the use of the GPS or cell phone signals from being sent. The audio messages also discuss utilizing the jammer to avoid a similar occurrence from when a vehicle was stopped, which Agents assume to be the use of the kill switch on the load vehicle. De Leon's phone also contained screenshots or photos of Hidalgo PD and the HSI McAllen Office at times that the tracker would have been located at said locations. Agents also located screenshots of reporting from The Monitor detailing the federal arrest of Emily Gonzalez on De Leon's phone.

Based on cell site location information obtained by HSI, Herrera-Bear's cellular device was also in the vicinity of the area where the Trailblazer was abandoned and at the time the vehicle was abandoned. Based on cell site location information obtained by HSI, De Leon was in the vicinity of the carjacking and the location of the abandoned vehicle at the relevant time periods. De Leon was also in communication with Herrera-Bear during the carjacking event on March 18, 2020.